

Final Report and Recommendations on Student Discipline
for Consideration by the
New Jersey Department of Education

Compiled by

New Jersey Department of Education
Division of Student Services
Office of Educational Support Services

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Executive Summary

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The New Jersey Department of Education, under the direction of the Commissioner of Education, has undertaken a review of student discipline issues. The Division of Student Services, which has taken the lead role on this initiative, has identified key areas of concern and developed recommendations and action steps for addressing a broad range of student discipline issues that are based upon the contributions of the department's internal working group on student discipline, examples of student discipline policies and practices of other states and the suggestions made by participants in the student discipline policy forums that were conducted by the department in September and October 2001.

The following is a summary of issues, recommendations and action steps in support of local student discipline policies and practices for department consideration:

1. Issue

- Lack of clear statutes and regulations regarding student discipline in schools.

Recommendations

- Develop regulatory framework for student discipline;
- Amend code regulating monitoring of schools (N.J.A.C. 6:8); and
- Review the existing Discipline of Pupils statute (N.J.S.A. 18A:37 et seq.).

Next Steps

- Develop regulations for student discipline to be incorporated as a subchapter in the new School Operations chapter of code;
- Pursue the regulation amendment process for N.J.A.C. 6:8, Evaluation of the Performance of School Districts; and
- Review the existing Discipline of Pupils statute (N.J.S.A. 18A:37 et seq.) in cooperation with the appropriate state offices.

2. Issue

- Lack of guidance and publications provided by the Department of Education to assist schools in the development, implementation and evaluation of sound disciplinary policies and practices.

Recommendation

- Produce and/or revise guidance documents and publications to assist schools in the development, implementation and evaluation of sound disciplinary policies and practices.

Next Steps

- The Division of Student Services will update the department publication titled Student Codes of Conduct: A Guide to Policy Review and Code Development and produce documents on zero tolerance policies, violence and vandalism reporting and best practices in student discipline.
- The Division of Student Services will provide linkages to resources on the department's web page.

3. Issue

- Insufficient technical assistance and training provided by the department for assisting schools in the development, implementation and evaluation of sound disciplinary policies and practices.

Recommendation

- Provide school district staff with ongoing and/or expanded training and technical assistance.

Next Step

- The Division of Student Services will develop an implementation plan for providing training and technical assistance in the regulations on student discipline, zero tolerance policies and violence and vandalism reporting.

4. Issue

- Insufficient teacher preparation and ongoing professional development.

Recommendation

- Increase interagency and intra-agency collaboration to address student discipline issues, pre-service training and teacher certification.

Next Steps

- The Division of Student Services will convene meetings with the appropriate agencies and offices to discuss pre-service training, teacher certification and professional development issues.
- The Division of Student Services will determine how existing collaborative partnerships with other state agencies can be enhanced to ensure comprehensive support for schools and students in the area of student discipline.

5. Issue

- Inconsistent use of alternative education policies and programs for general education students who are suspended or expelled.

Recommendation

- Convene an advisory panel to further explore this area.

Next Step

- The Division of Student Services will convene an advisory panel in April 2002.

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Introduction

The Commissioner of Education has established an internal working group to assist the Department of Education in reviewing the following student discipline issues:

- Definitions for expulsion, suspension and removal of students;
- Development and use of a student code of conduct;
- School staff and student responsibilities;
- Graduated disciplinary responses relative to the severity of offenses and developmental levels of the student offenders; and
- Due process rights.

The internal working group consists of representatives from the following Divisions and Offices of the department: the Office of the Chief of Staff; the Office of Controversies and Disputes; the Office of State Board Appeals; the Division of Student Services; Office of Educational Support Services, Office of Special Education; and the Division of Field Services. In addition, the Department of Law and Public Safety, Attorney General's Office is represented on the working group. The internal working group met on a regular basis from January through March 2001, and will be reconvened to address appropriate issues and recommendations in this report.

As part of its charge, the internal working group was directed to obtain input on student discipline from key stakeholders and organizations to further assist the department in identifying and addressing a broad range of concerns and possible remedies for student discipline issues encountered in schools. The policy forums, which were intended as a first step in the development of sound plans for supporting student discipline policies and practices, included various statewide organizations with interests in education, and were organized according to the following constituent groups: student support services, parent-teacher organizations, students, school governance, teachers, state agencies, law enforcement community and nonpublic schools. The policy forums were held in September and October 2001.

A preliminary report on the findings from the student discipline policy forums was submitted to the Commissioner on November 1, 2001. Provided below is a complete description of key issues and proposed recommendations and next steps in response to information compiled from the internal working group, the student discipline policy forums and examples of policies and practices from other states.

I. Issue: Lack of clear regulations and statutes regarding student discipline in schools.

The need to provide clarity and enhance the regulations regarding student discipline was identified by the internal working group and was a recommendation made by public commenters during the review of the Programs to Support Student Development code (N.J.A.C. 6A:16). The consensus opinion was that the statutory and regulatory framework for student discipline has been minimal in New Jersey. It was also noted that the existing Discipline of

Pupils statute (N.J.S.A. 18A:37 et seq.) provides limited definitions of suspension, removal and expulsion, and that student discipline regulations have never existed. The lack of statute and administrative code and the limited guidance offered by the state for local policy making in this area have contributed to widespread discrepancies in student discipline practices throughout the state. As a result of research conducted by the internal working group on student discipline policies in the states of Connecticut, Maryland, Pennsylvania, Illinois, California and the District of Columbia, it was learned that all of these states have regulations regarding student discipline.

An area of concern of policy forum participants included a lack of mechanisms for all school staff to document and track student behaviors of concern, identify behavioral patterns of concern and intervene, as appropriate. Participants emphasized that the remediation of discipline problems and other at-risk behaviors is most effective when interventions are conducted at early stages of identification, which can be facilitated by careful documentation of concerns with student behaviors of concern.

Recommendation: Develop regulatory framework for student discipline, amend code regulating the monitoring of schools (N.J.A.C. 6:8) and review the existing Discipline of Pupils statute (N.J.S.A. 18A:37 et seq.)

1. Develop regulations as a subchapter in the School Operations code addressing the following areas: definitions for expulsion, suspension and removal of students; the development and use of student codes of conduct, including the requirement for districts to establish mechanisms for all district staff to document and track student behaviors of concern, identify behavioral patterns of concern and intervene, as appropriate; the establishment of local multidisciplinary student discipline review teams that work collaboratively with their respective boards of education when hearing student disciplinary cases and meting out consequences for policy violations; description of school staff and student responsibilities; development of graduated disciplinary responses relative to the severity of student offenses and students' developmental levels; and students' due process rights;
2. Review the existing code regulating the monitoring of schools, (Evaluation and Performance of School Districts, N.J.A.C. 6:8) to determine the feasibility of including the review of student discipline measures and the accurate and complete reporting of violence, vandalism and substance abuse incidents; and
3. Review the existing Discipline of Pupils statute (N.J.S.A. 18A:37 et seq.) to determine areas where direction and guidance provided to schools can be enhanced or clarified.

Status/Next Steps:

The Division of Student Services plans to take the following actions in support of the recommendations:

- Develop administrative code for student discipline as a subchapter in the new School Operations chapter of code, beginning with the development of a draft discussion paper for a proposed new subchapter of Student Discipline code by March 2002;
- Pursue the regulation amendment process for N.J.A.C. 6:8, Evaluation of the Performance of School Districts, to include the review of disciplinary measures and violence, vandalism and substance abuse incident reporting by March 2002; and

- Review the existing Discipline of Pupils statute (N.J.S.A. 18A:37 et seq.) with the appropriate state offices to ascertain the feasibility of revising the statute, as appropriate.

II. Issue: Lack of guidance and publications provided by the Department of Education to assist schools in developing, implementing and evaluating sound disciplinary policies and practices.

Policy forum participants identified the need for guidance in the following areas: developing comprehensive, developmentally appropriate and legally sound codes of student conduct to serve as the framework for the development and implementation of student discipline policies and practices; implementing zero tolerance policies; proper completion of the required Electronic Violence and Vandalism Reporting System (EVVRS); and accessing information on best practices, model programs and resources.

Inconsistent application of student discipline policies and procedures on the part of administrators and teachers undermines discipline and sound educational environments. Therefore, it is essential for schools to have comprehensive, developmentally appropriate and legally sound codes of student conduct to serve as a framework for the development and implementation of student discipline policies and practices.

It was recognized that zero tolerance policies are necessary as a policy position. However, participants advised that schools must be aware of the application of these policies to ensure that disciplinary consequences are graded according to the severity of offenses, the developmental levels of students and students' histories of inappropriate behaviors.

Policy forum participants indicated that some school administrators discouraged reporting of incidents of violence, vandalism and substance abuse because they believe it would have a detrimental effect on their schools' reputations. Participants also indicated that school staff are not clear on the definitions for the offenses included on the EVVRS report. Inaccurate and underreporting impacts the potential use of the EVVRS report as an assessment tool for both schools and the department in the development of appropriate student discipline prevention and intervention programs.

School staff pointed out that while resources exist on student discipline, they are not easily accessible to school staff. These resources are fragmented, which inhibits school staff from accessing important information on student discipline.

Recommendation: Produce and/or revise guidance documents and publications on the following topics to assist schools in developing, implementing and evaluating sound disciplinary policies and practices:

1. Student codes of conduct, including direction in developing mechanisms for all school staff to track student behaviors of concern, identify behavioral patterns of concern and intervene, as appropriate;
2. Implementing zero tolerance policies and disciplinary consequences that are appropriate to the behaviors;
3. Accurate completion of the required EVVRS report;
4. Best practices, model programs and resources on student discipline; and
5. References to applicable national, statewide and local resources.

Status/Next Steps

The Division of Student Services will revise and update the department publication titled Student Codes of Conduct: A Guide to Policy Review and Code Development. The updated document will include sections on the following content areas:

- Zero tolerance policies and practices, which will provide districts with prescriptive definitions of behaviors that warrant the implementation of zero tolerance policies, and assist districts in the appropriate use of zero tolerance as a disciplinary measure;
- The development or maintenance of local multidisciplinary review teams that work collaboratively with their respective boards of education when hearing disciplinary cases and meting out consequences for policy violations; and
- Examples of mechanisms districts can use to document and track student behaviors of concern, identify behavioral patterns of concern and intervene, as appropriate (i.e., Intervention and Referral Services teams (N.J.A.C. 6A:16-7), Health and Social Services models, and the SAP 95 case management software).

The Division of Student Services will revise the current guidance document for the completion of the required EVVRS reporting forms, including the provision of clear instructions and definitions for the offenses included on the EVVRS reporting form.

The Division of Student Services will expand the department's web page to include information on best practices, model programs and resources on student discipline and provide links to applicable national, statewide and local resources.

An action plan for completing these activities will be developed by March 2002.

III. Issue: Insufficient technical assistance and training provided by the Department of Education for assisting schools in the development, implementation and evaluation of sound disciplinary policies and practices.

Policy forum participants identified the need to receive technical assistance and training from the department in the area of student discipline. Lack of technical assistance regarding mandated student discipline policies and best practices leads to the frequent inconsistent application of student discipline policies and procedures, which undermine student discipline and the creation of sound educational environments. Forum participants suggested the provision of more direct technical assistance and training from the department for addressing student codes of conduct, appropriate uses of zero tolerance policies and the accurate completion of the required EVVRS reporting forms, including the review of definitions of offenses, and creating and maintaining a positive school climate and culture in order to establish and maintain safe schools. In addition, forum participants consistently supported research findings which indicate that school climate and culture are critical elements in the establishment and maintenance of safe and disciplined schools.

Recommendation: Provide school district staff with ongoing and/or expanded training and technical assistance in the following areas:

1. Development, implementation and evaluation of student codes of conduct;
2. Appropriate uses of zero tolerance policies and procedures;
3. Completion of the EVVRS report;

4. Leadership training to administrators for enhancing their abilities to foster a positive, disciplined school environment;
5. Training to teachers, student support services staff and other school staff in methods for the prevention of discipline problems and appropriate disciplinary interventions; and
6. Enhancement of department programs that support pro-social development, such as character education, peer leadership and after school programs.

Status/Next Steps: The Division of Student Services will develop an implementation plan for providing training and technical assistance once the new student discipline regulations have been adopted and guidance documents have been developed by March 2003.

The Division of Student Services will begin training and providing technical assistance in the area of zero tolerance once the department's Student Codes of Conduct publication is revised to include a section on zero tolerance policies and practices.

The existing training and technical assistance currently provided by the Office of Educational Support Services to school staff responsible for completing the EVVRS report will be enhanced to ensure clarity and accurate completion of the report. The EVVRS support and monitoring system will be refined to identify discrepant reports and provide targeted technical assistance to correct the reports.

IV. Issue: Insufficient teacher preparation and ongoing professional development.

Based upon input from the internal working group and the student discipline policy forums, a concern was expressed that teachers are not equipped to handle the intensity, complexity and frequency of discipline problems that arise in contemporary classroom settings. While some instruction in classroom management is provided in pre-service education programs, the number of credits and depth of skill training required in this area is insufficient for addressing contemporary student discipline matters. Little, if any, instruction in prevention and intervention strategies for student discipline is provided in pre-service education programs. Policy forum participants emphasized the benefits of teacher mentoring programs in helping adopt effective classroom management techniques.

Policy forum participants and the internal working group identified the need for state agencies to increase collaboration on student discipline issues and to develop and/or maintain systems to support schools in the area of student discipline.

Recommendations: Increase interagency and intra-agency collaboration to address student discipline issues, pre-service training and teacher certification as described below:

1. Explore with the Office of Licensing and Credentials the feasibility of requiring a minimum number of hours of ongoing professional development in the areas of classroom management and disciplinary interventions;
2. Explore, in collaboration with the New Jersey Commission of Higher Education, the feasibility of requiring an increase in the number of classroom management and disciplinary intervention courses required to obtain teacher certification;
3. Forward the recommendation regarding the continuation and/or enhancement of teacher-mentoring programs to the Office of Standards and Professional Development; and
4. Enhance interagency collaboration among state agencies to promote coordinated, efficient and comprehensive discipline prevention and intervention strategies in schools.

Status/Next Steps: The Division of Student Services will convene meetings with the following agencies and offices to discuss pre-service training, teacher certification and professional development issues as they relate to student discipline: the New Jersey Commission of Higher Education, the Office of Licensing and Credentials and the Office of Professional Development. These meetings will commence in June 2002.

The department currently collaborates with other state agencies (e.g., Department of State, Human Services, Law and Public Safety, Health and Senior Services and the Administrative Office of the Courts) on a number of issues related to students and schools. Through the Office of Educational Support Services, the Division of Student Services will begin in January 2002 to evaluate existing collaborative partnerships with other state agencies to determine how these partnerships can be enhanced to ensure students and schools receive comprehensive supports in the area of student discipline.

V. Issue: Inconsistent use of alternative education policies and programs for general education students who are suspended or expelled.

A limited number of policy forum participants identified the existence of a disparity between special education and general education students with respect to the federal requirement for states to provide a public education for special education students who are suspended or expelled from school. Under the Individuals with Disabilities Education Act (IDEA), states are mandated to provide an alternative placement or home instruction to special education students who are suspended or expelled; however, general education students in New Jersey who are suspended or expelled have no comparable right to an alternative education. As described in the document titled Student Discipline Policies and Practices in New Jersey: A Framework for Discussion, it has been argued that expulsion without the provision of an alternative school program may violate students' right to a free public education.

Recommendation: Convene an advisory panel, consisting of a broad base of internal and external stakeholders, to further explore this area, and continue department support for local district decision making on alternative placements.

Status/Next Steps: The Division of Student Services will convene an advisory panel in April 2002.

In 2002, revise existing guidance documents regarding the operation and approval of alternative education programs to reflect the provisions of the alternative education regulation adopted in April 2001, which will assist districts with the development and implementation of alternative education programs.

Conclusion

It is requested that the Commissioner of Education review and approve the recommendations contained in this document.